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### **SURGERY AND ANESTHESIA in the OFFICE SETTING ALTERNATIVE PRIVILEGES and ANESTHESIA PERSONNEL**

On June 29, 2005, the New Jersey Supreme Court affirmed the rules of the State Board of Medical Examiners relating to surgical and anesthesia standards in physicians' offices. The stay of certain provisions of the rule is now lifted and the Board is authorized to enforce the rules. At its July 13, 2005 meeting, the Board reinstituted the plan which had previously been halted because of the legal challenge, and is now prepared to fully implement the initiative and make every effort to afford physicians sufficient time to make necessary accommodations. Physicians and podiatrists who do not currently possess privileges at a hospital to perform the surgery (other than minor surgery) or special procedures which they intend to provide in their offices need to obtain these privileges from the Board. They will be required to provide the Board with documentation concerning their education, training and experience, as well as a log of certain procedures undertaken in the last two years. (For those seeking privileges in conscious sedation, only complications need to be in the log.) They will be asked to identify the specific procedures they wish to perform on a Delineation of Privilege form. Likewise, physicians without hospital privileges authorizing them to administer or supervise the administration of anesthesia services will need to make application to the Board. A review of the credentials submitted will be undertaken by the Medical Review and Accrediting Council, Inc. (M.R.A.C.), the entity to which the Board has delegated the task of making recommendations on privilege applications.

#### **Implementation Guidance**

##### **For those physicians and podiatrists who have already initiated the application process with M.R.A.C.:**

Each practitioner will receive an individual letter from M.R.A.C. advising of the **September 1, 2005** deadline to complete the application and pay the fee. (Practitioners who have called and left messages on the alternative privileges telephone line without providing an address of record or license number are not considered to have formally initiated the application process.)

##### **For those who have not yet formally initiated the application process to obtain privileges, but will need to because of the nature of their practices:**

Each practitioner must **complete** the application process no later than **October 1, 2005**.

If the practitioner who is required to obtain privileges fails to file a complete application in accordance with these deadlines, continued performance of surgery or provision or supervision of anesthesia services is prohibited. While the application is pending, and until such time as a determination on the application has been made, however, physicians may continue to practice as before with one important exception, as noted below.

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**For those who concurrently perform surgery or special procedures AND supervise the administration of general or regional anesthesia by C.R.N.A.s:**

The rule now prohibits a physician from concurrently performing surgery or special procedures in the office and supervising the administration of general or regional anesthesia by a certified registered nurse anesthetist (C.R.N.A.). Those who perform these procedures, while concurrently supervising the administration of general or regional anesthesia, will need to modify their practices. To facilitate the transitions that need to occur, the Board will defer enforcement of these provisions until **September 30, 2005**. Physicians performing surgery or special procedures with conscious sedation may continue to concurrently oversee the provision of anesthesia services by a C.R.N.A. and are not subject to the prohibition.

Those physicians whose practices are affected may apply to the Board, no later than **September 30, 2005**, for an extension of time for a period no longer than **60 days**, on a form available at (973) 273-8080 or online at [www.NJMedicalBoard.gov](http://www.NJMedicalBoard.gov), identifying the nature of the practice, the type of anesthesia used and the identity of the physicians seeking the extension and the C.R.N.A.s who are to be supervised. Those physicians who do not complete the application for the extension will be subject to the prohibition after **September 30, 2005**. Those who have been granted the extension must fully comply with the rule prohibition by **November 30, 2005**. **Only** physicians who perform surgery or special procedures in the office setting while **concurrently supervising** the administration of general or regional anesthesia, need to apply.

### **General Reminders**

All physicians who presently perform surgery (other than minor surgery) or special procedures or administer or supervise the administration of general or regional anesthesia or conscious sedation are now subject to all of the other provisions set forth at N.J.A.C. 13:35-4A.1 et seq. Physicians are encouraged to review the entire rule (accessible on the Web site at [www.NJMedicalBoard.gov](http://www.NJMedicalBoard.gov)) and ensure that their office practices are in compliance. With the issuance of the Supreme Court decision, the entire rule is in effect. Accordingly, physicians should ensure that they have the required transfer agreements with hospitals and protocols for the handling of emergency transfers. The standards for pre-procedure patient assessment and recovery and discharge, as well as for recordkeeping, are fully enforceable. Specific requirements for continuing medical education are also set forth in the rule. Physicians are also reminded that the rule requires that advanced cardiac life support-trained personnel must remain with the patient at all times that the patient is receiving or recovering from anesthesia services, including conscious sedation. In addition, while a physician assistant (P.A.) or a registered nurse (R.N.), who is not a C.R.N.A., may monitor the administration of conscious sedation and, in certain circumstances, administer a supplemental dose during a surgical or special procedure, the administration or monitoring of general or regional anesthesia shall not be provided by R.N.s, P.A.s or any health care professionals other than privileged physicians (or C.R.N.A.s under the supervision of a privileged physician). Physicians, podiatrists and C.R.N.A.s are all authorized to administer minor conduction blocks, as are certified nurse midwives, advanced practice nurses and P.A.s with training and experience, as long as a physician or podiatrist remains on the premises and supervises the administration.

Practitioners who have questions regarding the impact that the rule will have on their practice should call (973) 273-8080 or e-mail [alternativeprivileges@lps.state.nj.us](mailto:alternativeprivileges@lps.state.nj.us). Request an application for an extension by calling (973) 273-8080 or by fax at (973) 648-3538. The extension is needed **only** by physicians who perform surgery or special procedures while **concurrently supervising** the administration of general or regional anesthesia.